a1

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO

DATE: May 11, 2017 **DEPT:** 17 **REPORTER:** T. MENDOZA **CSR#** 12947

PRESENT HON.: HERBERT J. EXARHOS
JUDGE

CLERK: N. Smith

BAILIFF: T. Salmons

REPORTERS' ADDRESS: P.O. BOX 120128
SAN DIEGO, CA 92112-0128

CASE#: SCE255082 **THE PEOPLE OF THE STATE OF CALIFORNIA,** Plaintiff
By: DDA William La Fond

vs.

DA#: MAM70401 **MICHAEL DANIEL CUERO,** Defendant
By: DPD Angela Shimizu

9:00 a.m. This being the time previously set for **REMITTITUR RE-SENTENCING** in the above-entitled cause, Deputy District Attorney William La Fond appears on behalf of the People. Deputy Public Defender Angela Shimizu appears on behalf of the defendant, personally present. Also present is Devin Burstein, Appellate Attorney appointed by the Federal court. Court convenes.

The United States Court of Appeal for the Ninth Circuit has reversed the judgment imposed on 04-20-2006 and now orders the State to resentence the defendant to a term of imprisonment of **no more than 14 years and 4 months** in accordance with his original plea dated 12-08-2005.

The defendant now reaffirms the original plea dated 12-08-2005, which the court now reinstates as follows:

Count 1 VC23153(a) – Guilty
Count 2 PC12021(a)(1) – Guilty
VC23560 allegation as to Count 1 - Admits
PC12022.7 allegation as to Count 1 – Admits
First prison prior per PC667.5(b) – Admits
Second prison prior per PC667.5(b) – Admits
Third prison prior per PC667.5(b) – Admits
Fourth prison prior per PC667.5(b) – Admits
Strike prior per PC667(b)-(i) – Admits

The defendant is now resentenced in accordance with the original terms of the plea entered on 12-08-2005 (See CRM-002B Pronouncement of Judgment minutes and CRM-002H Supplemental Pronouncement of Judgment minutes as pages 2 and 3 of this minute order).

***Pre-sentence credits indicated are as of 1-11-2006. Department of Corrections is to calculate defendant's further credits from 1-11-2006 to the present, to determine defendant's release date.**

~nms~

a2

CU-4 (State Prison)

SCE255082 DA MAM70401 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**

☐ CENTRAL ☒ EAST ☐ NORTH ☐ SOUTH

DATE 5-11-17 AT 9:00 A.M. REMITTITUR RE-SENTENCE

PRESENT: HON Herbert J. Exarhos JUDGE PRESIDING, DEPARTMENT 17

CLERK N. Smith REPORTER T. Mendoza CSR# 12947

REPORTER'S ADDRESS: P.O. BOX 120128, SAN DIEGO, CA 92112

THE PEOPLE OF THE STATE OF CALIFORNIA W. LaFond DEPUTY DISTRICT ATTORNEY / DEPUTY ATTORNEY GENERAL

VS.

Cuero, Michael D. DEFENDANT A. Shimizu ATTORNEY FOR DEFENDANT (☒ APD / GAC / RETAINED)

VIOLATION OF CT.1 VC23153(a); CT.2 PC12021(a)(1) P.O. NOT PRESENT

ENH(S) VC23560 - CT.1; PC1192.7(a) - CT.1 INTERP. OATH ON FILE / SWN.

PRIOR(S) PRIS: 4 STRIKE: 1 LANGUAGE

DEFENDANT ☒ PRESENT ☐ SELF REPRESENTED ☐ NOT PRESENT ☐ NOT PRODUCED

PROB. REV. ☐ DEFENDANT ADVISED OF RIGHTS AND ADMITS / DENIES A VIOLATION OF PROBATION ☐ WAIVES HEARING.
PROBATION IS / REMAINS: FORMALLY / SUMMARILY ☐ REVOKED ☐ REINSTATED ☐ MODIFIED ☐ CONT. ☐ SAME CONDITIONS ☐ TERMD. ☐ EXT. TO:

JUDGMENT ☒ WAIVES ARRAIGNMENT ☐ ARRAIGNED FOR JUDGMENT. ☐ IMPOSITION / EXECUTION OF SENTENCE IS SUSPENDED.
☒ PROBATION IS: ☒ DENIED ☐ GRANTED ____ YEARS (FORMAL /TO COURT) TO EXPIRE ____. ☐ CONVERTS TO PROB. TO COURT ____
☐ COMMITMENT TO SHERIFF FOR ____ DAYS. STAYED TO ____ / PENDING SUCCESSFUL COMPL. OF PROBATION. ☐ PAROLE NOT TO BE GRANTED.
☐ PERFORM ____ ☐ DAYS PSP. ☐ HOURS VOL. WORK AT NONPROFIT ORG. SUBMIT PROOF TO PROBATION / COURT BY ____.
☐ 4TH AMENDMENT WAIVER: IMPOSED. / REMAINS IN EFFECT. / DELETED. ☐ PROTECTIVE ORDER: ISSUED. / REMAINS IN EFFECT. / MODIFIED. / TERMINATED.
☐ FURTHER CONDITIONS ARE SET FORTH IN PROBATION ORDER. ☐ WORK FURLOUGH, REPORT: ____ TO 5600 OVERLAND AVE. STE 190, SAN DIEGO 8:00 A.M.
☒ COMMITMENT TO ☒ CA. DEPT. OF CORRECTIONS & REHAB. ☐ DIVISION OF JUVENILE JUSTICE ☐ SAN DIEGO COUNTY SHERIFF (PC1170(h)/2057) ON COUNT 1 CODE & NO. VC23153(a)/23566 LOWER / MIDDLE / UPPER INDETERMINATE TERM OF 6 YEARS MONTHS / TO LIFE.
☐ EXECUTION OF CONCLUDING ☐ ____ DAYS ☐ ____ MONTHS ☐ ____ YEARS OF SENTENCE IS SUSPENDED, DURING WHICH TIME THE DEFT. SHALL BE SUBJECT TO MANDATORY SUPV. BY THE PROB. DEPT. (PC1170(h)(5)(b)). TERMS AND CONDITIONS SET FORTH IN THE ORDER GRANTING MANDATORY SUPV. (CRM-256).
☐ PER PC1170(d) ☐ PER WI737 ☒ PRINCIPAL COUNT. ☐ STIPULATED SENTENCE. ☐ NO EARLY RELEASE OF ANY TYPE AUTHORIZED.
☒ SENTENCE PER PC667(b)-(i)/1170.12. ☐ NOTICE OF FIREARMS PROHIBITION GIVEN PER PC29805
☐ NO VISITATION PER PC1202.05. VICTIM IS UNDER 18 YRS. OF AGE. DA TO COMPLY WITH NOTICES.
☒ TESTING. ☒ COMPLIANCE WITH PC296 VERIFIED. ☐ DNA (PC296) ☐ HIV (PC1202.1)
☐ DEFENDANT ADVISED RE: PAROLE / APPEAL RIGHTS. ☐ REGISTER PER ☐ PC290 ☐ HS11590 ☐ PC457.1 ☐ PC186.30
☐ DEFENDANT TO PAY: FINE OF $____ INCLUDING PENALTY ASSESSMENT, PLUS THE FOLLOWING:
☐ INSTALLMENT/ACCOUNTS RECEIVABLE FEE (PC1205(e)) $____. ☐ DRUG PROGRAM FEE (HS11372.7) $____
☐ LAB ANALYSIS FEE (HS11372.5) $____. ☐ THEFT FINE (PC1202.5) $____.
☒ COURT OPERATIONS ASSESSMENT (PC1465.8) $ 20. ☐ CRIM JUSTICE ADMIN FEE (GC29550 et seq.) $____
☐ CRIMINAL CONVICTION ASSESSMENT (GC70373) $____. ☐ SEX OFFENDER REG. FINE (PC290.3) $____.
☐ PROB. HAVING BEEN FORMALLY REVOKED, THE PREVIOUS REST. FINE OF $____, SUSP. PER PC1202.44, IS NOW DUE.
☒ RESTITUTION FINE: $ 1,000 (PC1202.4(b)) PLUS 10% (PC1202.4(f)) FORTHWITH (PC2085.5)
$ 1,000 PC1202.44/PC1202.45 SUSPENDED UNLESS PROBATION/PAROLE/SUPERVISION REVOKED.
☒ RESTITUTION TO VICTIMS PER P.O.'S REPORT / RESTITUTION FUND (PC1202.4(f)) $ 252,000 PLUS AN AMOUNT TO BE DETERMINED ☐ JOINT & SEVERAL. ☐ AT COMBINED RATE OF $____ ____ ____ PER MONTH TO START 60 DAYS AFTER RELEASE / ON ____
☐ REPORT TO ☐ PROBATION ☐ REVENUE & RECOVERY ☐ COURT COLLECTIONS ☐ FORTHWITH. ☐ WITHIN 72 HRS. OF RELEASE FROM CUSTODY.
PROCEEDINGS SUSPENDED ☐ PER PC1368, MENTAL COMPETENCY. (SEE BELOW FOR DATES OF EXAMINATION AND HEARING.)
FUTURE HEARINGS WAIVERS: ☐ TIME FOR JUDGMENT. ☐ PRESENCE FOR RESTITUTION HRG. ☐ REFERRED FOR DIAGNOSTIC EVAL. PER PC1203.03. / WI707.2.
____ CONT. TO / SET FOR ____ ____ ____ AT ____ IN DEPT. ____ ON MOTION OF COURT / DDA / DEFT. / PROB. OFFICER.
☐ TO BE HEARD CONCURRENTLY WITH PRELIMINARY HEARING IN CASE ____. ☐ TO TRAIL CASE(S) ____ ____ ____
CUSTODY STATUS ☒ DEFENDANT REMANDED TO CUSTODY OF SHERIFF ☒ WITHOUT BAIL. ☐ WITH BAIL SET AT $____
☐ MAY BE RELEASED TO REP. OF PD / PROB./APPROVED RES. TREATMENT PROG. ☐ STAY / SERVE BAL. OF CUST. ☐ WHEN BED AVAIL. ☐ AFTER ____ CUSTODY
☐ DEFT. ORDERED RELEASED FROM CUSTODY ☐ ON PROBATION. ☐ ON OWN / SUPERVISED RECOGNIZANCE. ☐ ON DEJ. ☐ ON MANDATORY SUPERVISION
☐ DEFENDANT TO REMAIN AT LIBERTY ☐ ON BOND POSTED $____. ☐ ON PROBATION. ☐ ON DEJ. ☐ ON OWN / SUPERVISED RECOGNIZANCE.
BONDS / WARRANTS ☐ BENCH WARRANT TO ISSUE, BAIL SET AT $____ ☐ COUNSEL REPORTS NO CONTACT WITH DEFENDANT.
☐ SERVICE FORTHWITH. ☐ ORDERED WITHHELD TO ____. ☐ BENCH WARRANT ISSUED / ORDERED ____ IS RECALLED / RESCINDED.
☐ DECLARATION OF NON-COLLUSION & RE-ASSUMPTION OF LIABILITY FILED. ☐ BAIL FORF. IS SET ASIDE. ☐ BAIL ☐ REINSTATED ☐ EXONERATED ☐ FORFEITED
☐ UPON PAYMENT OF COURT COST $ ____ WITHIN 30 DAYS. ☐ COST WAIVED. BOND AMT $____ BOND NO. ____
BOND COMPANY ____ AGENT ____
OTHER ☐ ALL PROPERTY IMPOUNDED, SEIZED, OR HELD IN CUSTODY IN THIS CASE TO BE DISPOSED OF PER POSSESSING AGENCY'S POLICY
☐ PROBATION: PREPARE SUPPLEMENTAL REPORT / SUBMIT POST-SENT REPORT TO CDCR PER PC1203c ☐ SEE ATTACHED MINUTES FOR ADDITIONAL ORDERS
☐ CONCURRENT WITH / CONSECUTIVE TO: CLERK: ☒ REGISTRAR OF VOTERS. ☒ DMV ABSTRACT B.A.C

DAYS CREDIT FOR TIME SERVED
- Ø LOCAL
- ____ STATE INST (*)
- ____ PC4019 [2/4]
- ____ PC4019 [2/2]
- ____ PC4019 (b)(1)/(c)(1) [2/2]
- ____ PC4019(b)(2)/(c)(2) limited [2/4]
- ____ PC2933(e)(1) [1/1]
- ____ PC2933(e)(3) disqualified [2/4]
- Ø PC2933.1 [15%]
- ____ RESIDENTIAL TREATMENT
- Ø TOTAL CREDITS AS OF 1-11-06

(*) Pre-Sentence credits indicated are as of 1-11-2006. Department of Corrections to calculate credits from 1-11-2006 to the present, to determine defendant's release date.

Date: 5-11-17 ATTEST A TRUE COPY, Clerk of the Superior Court by ____

Distribution by NS on 5-11-17 to (JAIL) DEPT. ATTY. (PROS.) PROB. R&R Other: ____

SOSC CRM-0028 (Rev. 4/14) **FELONY MINUTES - PRONOUNCEMENT OF JUDGMENT**

a3

Case Number: SCE255082 People v. Cuero, Michael D. Date: 5-11-17

☒ COUNT # 1 / ☒ ENHANCEMENT / ☐ PRIOR: CODE NAME AND SECTION NUMBER: PC12022.7(a) ☐ A MISDEMEANOR. COMMITTED TO DEPT. OF CORRECTIONS & REHAB. / ~~SHERIFF~~. TERM: ___ LOW / MID / UPPER / INDETERMINATE OF 3 (YEARS) / MONTHS / DAYS / TO LIFE.
☐ CONCURRENT / (☒ CONSECUTIVE) ☐ STAYED PER PC654 / _____. ☐ STRICKEN ☐ PER PC1385 REASON(S): _____

☒ COUNT # 2 / ☐ ENHANCEMENT / ☐ PRIOR: CODE NAME AND SECTION NUMBER: PC12021(a)(1) ☐ A MISDEMEANOR. COMMITTED TO DEPT. OF CORRECTIONS & REHAB. / ~~SHERIFF~~. TERM: 1/3 LOW / (MID) / UPPER / INDETERMINATE OF 16 YEARS / (MONTHS) / DAYS / TO LIFE.
☐ CONCURRENT / (☒ CONSECUTIVE) ☐ STAYED PER PC654 / _____. ☐ STRICKEN ☐ PER PC1385 REASON(S): _____

☐ COUNT # _____ / ☐ ENHANCEMENT / ☒ PRIOR: CODE NAME AND SECTION NUMBER: PC667.5(b) ☐ A MISDEMEANOR. COMMITTED TO DEPT. OF CORRECTIONS & REHAB. / ~~SHERIFF~~. TERM: ___ LOW / MID / UPPER / INDETERMINATE OF 1 (YEARS) / MONTHS / DAYS / TO LIFE.
☐ CONCURRENT / (☒ CONSECUTIVE) ☐ STAYED PER PC654 / _____. ☐ STRICKEN ☐ PER PC1385 REASON(S): _____

☐ COUNT # _____ / ☐ ENHANCEMENT / ☒ PRIOR: CODE NAME AND SECTION NUMBER: PC667.5(b) ☐ A MISDEMEANOR. COMMITTED TO DEPT. OF CORRECTIONS & REHAB. / ~~SHERIFF~~. TERM: ___ LOW / MID / UPPER / INDETERMINATE OF 1 (YEARS) / MONTHS / DAYS / TO LIFE.
☐ CONCURRENT / (☒ CONSECUTIVE) ☐ STAYED PER PC654 / _____. ☐ STRICKEN ☐ PER PC1385 REASON(S): _____

☐ COUNT # _____ / ☐ ENHANCEMENT / ☒ PRIOR: CODE NAME AND SECTION NUMBER: PC667.5(b) ☐ A MISDEMEANOR. COMMITTED TO DEPT. OF CORRECTIONS & REHAB. / ~~SHERIFF~~. TERM: ___ LOW / MID / UPPER / INDETERMINATE OF 1 (YEARS) / MONTHS / DAYS / TO LIFE.
☐ CONCURRENT / (☒ CONSECUTIVE) ☐ STAYED PER PC654 / _____. ☐ STRICKEN ☐ PER PC1385 REASON(S): _____

☐ COUNT # _____ / ☐ ENHANCEMENT / ☒ PRIOR: CODE NAME AND SECTION NUMBER: PC667.5(b) ☐ A MISDEMEANOR. COMMITTED TO DEPT. OF CORRECTIONS & REHAB. / SHERIFF. TERM: ___ LOW / MID / UPPER / INDETERMINATE OF _____ YEARS / MONTHS / DAYS / TO LIFE.
☐ CONCURRENT / ☐ CONSECUTIVE ☐ STAYED PER PC654 / _____. (☒ STRICKEN) ☐ PER PC1385 REASON(S): _____

☐ COUNT # _____ / ☐ ENHANCEMENT / ☐ PRIOR: CODE NAME AND SECTION NUMBER: _____ ☐ A MISDEMEANOR. COMMITTED TO DEPT. OF CORRECTIONS & REHAB. / SHERIFF. TERM: ___ LOW / MID / UPPER / INDETERMINATE OF _____ YEARS / MONTHS / DAYS / TO LIFE.
☐ CONCURRENT / ☐ CONSECUTIVE ☐ STAYED PER PC654 / _____. ☐ STRICKEN ☐ PER PC1385 REASON(S): _____

☐ COUNT # _____ / ☐ ENHANCEMENT / ☐ PRIOR: CODE NAME AND SECTION NUMBER: _____ ☐ A MISDEMEANOR. COMMITTED TO DEPT. OF CORRECTIONS & REHAB. / SHERIFF. TERM: ___ LOW / MID / UPPER / INDETERMINATE OF _____ YEARS / MONTHS / DAYS / TO LIFE.
☐ CONCURRENT / ☐ CONSECUTIVE ☐ STAYED PER PC654 / _____. ☐ STRICKEN ☐ PER PC1385 REASON(S): _____

OTHER (CONT.): TOTAL TERM = 13 years, 4 months

Amended Abstract of Judgment to be completed and submitted to Dept. of Corrections

Date: _____ ATTEST A TRUE COPY, Clerk of the Superior Court by _____ Deputy

Distribution by NS on 5-11-17 to (JAIL) DEPT. ATTY. (PROB.) PROB. R&R Other: _____

SDSC CRM-002H (New 7/09) **FELONY MINUTES - SUPPLEMENTAL PRONOUNCEMENT OF JUDGMENT** Page 3 of 3

(Not valid without completed CRM-23, Pronouncement of Judgment)

a4

FELONY ABSTRACT OF JUDGMENT—DETERMINATE

(NOT VALID WITHOUT COMPLETED PAGE TWO OF CR-290 ATTACHED)

CR-290

SUPERIOR COURT OF CALIFORNIA, COUNTY OF: SAN DIEGO

PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: MICHAEL DANIEL CUERO
AKA: MARK BILL CURO
CII NO.: 09771462
BOOKING NO.: 05145189
DOB: 03-14-1972
☐ NOT PRESENT

SCE255082-A
-B
-C
-D

F I L E D
Clerk of the Superior Court
MAY 11 2017
By: NATALIE SMITH, Deputy

FELONY ABSTRACT OF JUDGMENT ☑ PRISON COMMITMENT ☐ COUNTY JAIL COMMITMENT ☑ AMENDED ABSTRACT

DATE OF HEARING	DEPT. NO.	JUDGE
05-11-2017	17	HERBERT J. EXARHOS

CLERK	REPORTER	PROBATION NO. OR PROBATION OFFICER	☐ IMMEDIATE SENTENCING
N. SMITH	T. MENDOZA	712864	

COUNSEL FOR PEOPLE	COUNSEL FOR DEFENDANT	☑ APPOINTED
W. LAFOND	A. SHIMIZU	

1. Defendant was convicted of the commission of the following felonies:

☐ Additional counts are listed on attachment
_____ (number of pages attached)

COUNT	CODE	SECTION NO.	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO./DA./YR.)	CONVICTED BY: JURY	COURT	PLEA	TERM (L, M, U)	CONSECUTIVE	1/3 CONSECUTIVE	CONSECUTIVE FULL TERM	INCOMPLETE SENTENCE(S) (REFER TO Item 5)	654 STAY	GANG/RIAL FELONY	VIOLENT FELONY	PRINCIPAL OR CONSECUTIVE TIME IMPOSED: YRS.	MOS.
1	VC	23153(a)/	Driving under influence of	2005	12-08-2005			X	U								6	0
	VC	23560	alcohol or drugs causing injury,															
			prior DUI within 10 years of															
			violation of VC23153															
2	PC	12021(a)(1)	Possession of firearm by a felon	2005	12-08-2005			X	M		X						1	4

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed, "S" for stayed, or "PS" for punishment struck. DO NOT LIST ENHANCEMENTS FULLY STRICKEN by the court.

COUNT	ENHANCEMENT	TIME IMPOSED, "S," or "PS"	ENHANCEMENT	TIME IMPOSED, "S," or "PS"	ENHANCEMENT	TIME IMPOSED, "S," or "PS"	TOTAL	
1	PC 12022.7(a)	3					3	0

3. ENHANCEMENTS charged and found to be true for PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed, "S" for stayed, or "PS" for punishment struck. DO NOT LIST ENHANCEMENTS FULLY STRICKEN by the court.

ENHANCEMENT	TIME IMPOSED, "S," or "PS"	ENHANCEMENT	TIME IMPOSED, "S," or "PS"	ENHANCEMENT	TIME IMPOSED, "S," or "PS"	TOTAL	
PC 667.5(b)	1	PC 667.5(b)	1	PC 667.5(b)	1	3	0

4. Defendant sentenced ☐ to county jail per 1170(h)(1) or (2)
☑ to prison per 1170(a), 1170.1(a) or 1170(h)(3) due to ☑ current or prior serious or violent felony ☐ PC 290 or ☐ PC 186.11 enhancement
☑ per PC 667(b)-(i) or PC 1170.12 (strike prior)
☐ per PC 1170(a)(3). Preconfinement credits equal or exceed time imposed. ☐ Defendant ordered to report to local parole or probation office.

5. INCOMPLETE SENTENCE(S) CONSECUTIVE

COUNTY	CASE NUMBER

6. TOTAL TIME ON ATTACHED PAGES:
7. ☐ Additional indeterminate term (see CR-292).
8. TOTAL TIME: 13 4

Attachments may be used but must be referred to in this document.

Form Adopted for Mandatory Use
Judicial Council of California
CR-290 [Rev. July 1, 2012]

FELONY ABSTRACT OF JUDGMENT—DETERMINATE

Penal Code §§ 1213, 1213.5

CR-290

PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: MICHAEL DANIEL CUERO			
SCE255082-A	-B	-C	-D

9. FINANCIAL OBLIGATIONS (plus any applicable penalty assessments):

a. Restitution Fines:

Case A: $1,000 per PC 1202.4(b) (forthwith per PC 2085.5 if prison commitment); $1,000 per PC 1202.45 suspended unless parole is revoked.
$_____ per PC 1202.44 is now due, probation having been revoked.

Case B: $_____ per PC 1202.4(b) (forthwith per PC 2085.5 if prison commitment); $_____ per PC 1202.45 suspended unless parole is revoked.
$_____ per PC 1202.44 is now due, probation having been revoked.

Case C: $_____ per PC 1202.4(b) (forthwith per PC 2085.5 if prison commitment); $_____ per PC 1202.45 suspended unless parole is revoked.
$_____ per PC 1202.44 is now due, probation having been revoked.

Case D: $_____ per PC 1202.4(b) (forthwith per PC 2085.5 if prison commitment); $_____ per PC 1202.45 suspended unless parole is revoked.
$_____ per PC 1202.44 is now due, probation having been revoked.

b. Restitution per PC 1202.4(f):

Case A: $252,000 ☑ Amount to be determined to ☑ victim(s)* ☐ Restitution Fund

Case B: $_____ ☐ Amount to be determined to ☐ victim(s)* ☐ Restitution Fund

Case C: $_____ ☐ Amount to be determined to ☐ victim(s)* ☐ Restitution Fund

Case D: $_____ ☐ Amount to be determined to ☐ victim(s)* ☐ Restitution Fund

☐ *Victim name(s), if known, and amount breakdown in item 13, below. ☑ *Victim name(s) in probation officer's report.

c. Fines:

Case A: $_____ per PC 1202.5 $_____ per VC 23550 or _____ days ☐ county jail ☐ prison in lieu of fine ☐ concurrent ☐ consecutive
☐ includes: ☐ $___ Lab Fee per HS 11372.5(a) ☐ $_____ Drug Program Fee per HS 11372.7(a) for each qualifying offense

Case B: $_____ per PC 1202.5 $_____ per VC 23550 or _____ days ☐ county jail ☐ prison in lieu of fine ☐ concurrent ☐ consecutive
☐ includes: ☐ $___ Lab Fee per HS 11372.5(a) ☐ $_____ Drug Program Fee per HS 11372.7(a) for each qualifying offense

Case C: $_____ per PC 1202.5 $_____ per VC 23550 or _____ days ☐ county jail ☐ prison in lieu of fine ☐ concurrent ☐ consecutive
☐ includes: ☐ $___ Lab Fee per HS 11372.5(a) ☐ $_____ Drug Program Fee per HS 11372.7(a) for each qualifying offense

Case D: $_____ per PC 1202.5 $_____ per VC 23550 or _____ days ☐ county jail ☐ prison in lieu of fine ☐ concurrent ☐ consecutive
☐ includes: ☐ $___ Lab Fee per HS 11372.5(a) ☐ $_____ Drug Program Fee per HS 11372.7(a) for each qualifying offense

d. Court Operations Assessment: $ 20 per PC 1465.8. e. Conviction Assessment: $____ per GC 70373. f. Other: $____ per (specify):_____

10. TESTING: ☑ Compliance with PC 296 verified ☐ AIDS per PC 1203.1 ☐ other (specify):

11. REGISTRATION REQUIREMENT: ☐ per (specify code section): _____

12. ☐ MANDATORY SUPERVISION: Execution of a portion of the defendant's sentence is suspended and deemed a period of mandatory supervision under Penal Code section 1170(h)(5)(B) as follows (specify total sentence, portion suspended, and amount to be served forthwith):
Total: _____ Suspended: _____ Served forthwith: _____

13. Other orders (specify):

PRE-SENTENCE CREDITS INDICATED ARE AS OF 1-11-2006. DEPT OF CORRECTIONS TO CALCULATE CREDITS FROM 1-11-2006 TO THE PRESENT, TO DETERMINE DEFENDANT'S RELEASE DATE.

14. IMMEDIATE SENTENCING: ☐ Probation to prepare and submit a post-sentence report to CDCR per 1203c.
Defendant's race/national origin: _____

15. EXECUTION OF SENTENCING IMPOSED
a. ☐ at initial sentencing hearing
b. ☑ at resentencing per decision on appeal
c. ☐ after revocation of probation
d. ☐ at resentencing per recall of commitment (PC 1170(d).)
e. ☐ other (specify):

16. CREDIT FOR TIME SERVED

CASE	TOTAL CREDITS	ACTUAL	LOCAL CONDUCT	
A	0 (see #13)	0	0	☑ 2933 2933.1 4019
B				☐ 2933 2933.1 4019
C				☐ 2933 2933.1 4019
D				☐ 2933 2933.1 4019

Date Sentence Pronounced	Time Served in State Institution DMH	CDC	CRC
05-11-2017			

17. The defendant is remanded to the custody of the sheriff ☑ forthwith ☐ after 48 hours excluding Saturdays, Sundays, and holidays.
To be delivered to ☑ the reception center designated by the director of the California Department of Corrections and Rehabilitation
☐ county jail ☐ other (specify):

CLERK OF THE COURT

I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE	DATE
N. SMITH	05-11-2017

IN THE SUPREME COURT OF THE UNITED STATES

No.

SCOTT KERNAN,

Petitioner,

-v-

MICHAEL DANIEL CUERO,

Respondent.

PROOF OF SERVICE

I, Devin J. Burstein, hereby certify that all parties required to be served with the Brief in Opposition to Petition for a Writ of Certiorari and Motion for Leave to Proceed *In Forma Pauperis* filed herewith have been served as follows:

In accordance with Supreme Court Rule 29.2, I caused the original and ten (10) copies of these documents to be delivered to Clerk, Supreme Court of the United States, Washington, D.C., 20543, on July 6, 2017; and on the same date I: caused one (1) copy of these documents to be delivered to counsel of record for the Attorney General of California, 600 West Broadway, Ste 1800, San Diego California.

DEVIN J. BURSTEIN